



# PUBLIC NOTICE

Federal Communications Commission  
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**WIRELESS TELECOMMUNICATIONS BUREAU  
SEEKS COMMENT ON PETITION FOR RECONSIDERATION REGARDING THE  
COMMISSION'S RULES ON NON-INITIALIZED PHONES AND ON  
FILING OF REQUEST FOR STAY**

(CC Docket No. 94-102)

**Oppositions to Request for Stay Due: August 2, 2002**

**Replies Due: August 19, 2002**

**Comments/Oppositions to Petition for Reconsideration Due: August 2, 2002**

**Reply Comments/Oppositions Due: August 19, 2002**

On June 12, 2002, the Emergency Services Interconnection Forum (ESIF)<sup>1</sup> filed a Petition for Reconsideration (Reconsideration Petition),<sup>2</sup> seeking reconsideration of the Commission's *Report and Order* adopting sections 20.18 (I)(1)(i) and (I)(2)(i) of the Commission's rules.<sup>3</sup> Also, on June 12, 2002, ESIF separately filed a Request for Stay (Stay Request) of the effective date of these rules, October 1, 2002.

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<sup>1</sup> ESIF is a sponsored committee of the Alliance for Telecommunications Industry Solutions (ATIS), jointly convened by ATIS and the National Emergency Number Association (NENA) to facilitate the identification and resolution of technical issues related to the interconnection of telephony and emergency service networks.

<sup>2</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Non-initialized Phones, CC Docket No. 94-102, ESIF Petition for Reconsideration, filed June 12, 2002.

<sup>3</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Non-initialized Phones, CC Docket No. 94-102, RM-8143, Report and Order, FCC 02-120 (rel. April 29, 2002 (*Order*); 67 Fed. Reg. 36112 (2002) (to be codified at 47 C.F.R. §§ 20.18 (I)(1)(i), (I)(2)(i)).

On April 29, 2002, the Commission amended section 20.18 of its rules by adding new paragraph (I). Specifically, section 20.18 (I)(1)(i), requires that licensees donating non-service-initialized handsets through carrier-sponsored efforts program those handsets with the code 123-456-7890 as the telephone number/mobile identification number to alert Public Safety Answering Points (PSAPs) that a 911 call is being made from a wireless phone that lacks call-back capability. Further, one manufacturer and distributor of “911-only” phones has already sold over 40,000 handsets programmed with 123-456-7890 as the telephone number/MIN,<sup>4</sup> and section 20.18 (I)(2)(i) further requires that all manufacturers of “911-only” handsets manufactured on or after October 1, 2002, program each handset with the same code.

The Reconsideration Petition notes a solution not raised in the record to address the lack of call-back capability. The proposed solution is based on a technical standard published jointly by the Telecommunications Industry Association (TIA) and ATIS. The standard suggests the use of a wireless handset’s Electronic Serial Number (ESN) or International Mobile Station Equipment Identity (IMEI)<sup>5</sup> to create a surrogate number: “911” plus the last seven digits of the ESN or IMEI expressed as a decimal number.<sup>6</sup> According to the Reconsideration Petition, using this surrogate number provides easier identification of the specific phone used in placing a wireless 911 call. Moreover, the surrogate number allegedly permits (1) the PSAP to prevent the misuse of the 9-1-1 system due to repeated harassing calls made on non-initialized phones, and (2) the identification of legitimate emergency callers making multiple calls.<sup>7</sup>

The Reconsideration Petition also asserts that ESIF has identified a problem that was not addressed in the record of this proceeding. According to ESIF, the number requirement, 123-456-7890, in the Commission’s new rules also serves as a valid International Roaming MIN (Mobile Identification Number) (“IRM”) range. As a result, the potential impact of the 123-456-7890 code is to remove one million numbers the IRM assignment pool, when IRMs are a finite numbering resource where the first number must be a zero (0) or a one (1).<sup>8</sup>

We seek comment on the issues raised by the Reconsideration Petition and Stay Request. Pursuant to 47 C.F.R. § 1.1200(a), this proceeding is designated a “permit but disclose” proceedings and subject to § 1.1206. *Ex parte* presentations that are made with respect to the issues involved with regard to either the Petition or the Request for Stay will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.1206(b).

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<sup>4</sup> *Order*, at para. 34 (noting that these handsets are marketed as the Magnavox “Mobile911” phone).

<sup>5</sup> According to the Reconsideration Petition, the IMEI is associated with GSM phones. *See* Reconsideration Petition at 5.

<sup>6</sup> Reconsideration Petition at 4-5 & n.10.

<sup>7</sup> *Id.*, at 5.

<sup>8</sup> *See id.*, at 5-6.

Pursuant to Section 1.45 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file oppositions to the Request for Stay on or before August 2, 2002. Replies are due August 19, 2002.

Pursuant to Section 1.429 of the Commission's rules, interested parties may file comments to the Petition for Reconsideration on or before August 2, 2002. Reply comments are due August 19, 2002.

Pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>9</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. In addition, a diskette copy should be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail to [qualexint@aol.com](mailto:qualexint@aol.com).

The full text of the Request for Stay, the Petition, and responsive pleadings will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov). This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact David Siehl, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY).

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<sup>9</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

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